

AGENDA  
National Marine Fisheries Service  
National Observer Program  
Insurance, Liability and Labor Workshop  
SSMC4, 1305 East West Highway  
Silver Spring, Maryland 20910  
Rm#1W611  
June 12-14, 2001

**June 12, 2001**

**Tuesday**

8:30- 9:00	General welcome and introductory remarks – Dr. William T. Hogarth, Assistant Administrator, National Marine Fisheries Service
9:00-9:15	Individual introductions
9:15-9:30	Review of Workshop Agenda and Objectives and NMFS Observer Program Overview - Dennis Hansford
9:30-10:30	Panel Discussion #1:

Defining insurance & labor terms, the various types of liability and compensation coverages and the role of the agent, underwriter and claims adjuster as they relate to observers

*Insurance Industry*

Jack Devnew, Insurance Broker, Flagship Group Insurance, Norfolk, VA

Vince Gullette, Assistant Vice President of West Coast Operations, American Equity Underwriters, Inc., Seattle, WA

Howard Candage, Marine Insurance Consultant, H. E. Candage, Inc. Portland, ME

*Federal*

Susette Barnhill, Compensation Specialist, Dept. of Commerce Workers' Compensation Operations Center, Washington, DC

*Background materials: Insurance Terms and Definitions*

10:30-10:45	Break
10:45-12:00	Guided discussion among panel members and open for general Q&A session
12:00-1:00	Lunch

1:00-1:45                      Panel Discussion #2:

Applicability of the Service Contract Act and Fair Labor Standards Act to observers as it pertains to pay for hours worked beyond 40 hours per week

*Federal*

Tom Obert, Dept. of Labor, Wage and Hour Division, Washington, D. C.

Mark Langstein, DOC General Counsel, Contract Law Division, Washington, D.C.

*Union*

Howard Holten, President, Alaska Fisheries Division, United Industrial Workers' Union, Anchorage, AK

*Background materials: Service Contract Act Information Sheets, Fair Labor Standards Act Information Sheets, Basic Observer Duties and Responsibilities, Contract Work Hours and Safety Standards Act-Overtime Compensation*

1:45-2:30                      Guided discussion among panel members and open for general Q&A session

2:30-2:45                      Break

2:45-3:30                      Panel Discussion #3:

Differentiating between coverage needs for land-based and sea-based protection for observers

*Insurance Industry*

Tim McHugh, Attorney, Looney & Grossman, Boston, MA

Vince Gullette, Assistant Vice President of West Coast Operations, American Equity Underwriters, Inc., Seattle, WA

Scott McCabe, Insurance Broker, Mid Atlantic Consultants, Norfolk, VA

*Federal*

Don Wadhams, Contract Officer, Western Administrative Support Center, Seattle, WA

3:30-4:15                      Guided discussion among panel members and open for general Q&A session

## AGENDA

4:15-4:45                      Wrap-up

**June 13, 2001                Wednesday**

8:30-9:00                      Introduction and review of agenda

9:00-9:45                      Panel Discussion #4:

### Court decisions and current legal opinions on seamen v. non-seamen as it relates to observers

#### *Federal*

Tim Conner, Chief, Dept. of Commerce, General Counsel General Litigation Division,  
Washington, D. C.

John Cullather, Democratic Staff Director, U.S. House of Representatives  
Subcommittee on Coast Guard and Maritime Transportation, Washington, D. C.

#### *Insurance Industry*

Tim McHugh, Attorney, Looney & Grossman, Boston, MA

Bill Myhre, Attorney, Preston Gates Ellis & Rouvelas Meeds, LLP, Washington, DC

*Background materials: James O'Boyle v. United States of America, Key Bank of Washington  
v. Dona Karen Marie Fisheries, Inc., McDermott International, Inc. v. Wilander, Chandris,  
Inc. v. Latsis*

9:45-10:30                      Guided discussion among panel members and open for general Q&A  
session

10:30-10:45                      Break

10:45-11:30                      Panel Discussion #5:

### Defining seamen as it applies to observers under various insurance laws

#### *Insurance Industry*

Tom Fitzhugh, Attorney, Longshore Institute, Houston, TX

Scott McCabe, Insurance Broker, Mid-Atlantic Consultants, Norfolk, VA

Howard Candage, Marine Insurance Consultant, H. E. Candage, Inc. Portland, ME

*Background materials: Lost At Sea: An Argument for Seaman Status for Fisheries Observers*

*(excerpts from a paper by Alecia Van Atta), What is a “seaman” under the Jones Act?*

11:30-12:15            Guided discussion among panel members and open for general Q&A session

12:30-1:30            Lunch

1:30-2:15            Panel Discussion #6:

Claims: How are they filed and what are the roles of the observer, government, contractor, and state in facilitating compensation

*Federal*

Susette Barnhill, Compensation Specialist, Dept. of Commerce Workers’ Compensation Operations Center, Washington, DC

*Insurance Industry*

Tom Monti, Manager of FARA Nautilus Branch, FARA Insurance Services, Inc., Metairie, LA

Jack Devnew, Insurance Account Executive, Flagship Group Limited, Norfolk, VA

2:15-3:00            Guided discussion among panel members and open for general Q&A session

3:00-3:15            Break

3:15-4:00            Panel Discussion #7:

Understanding what compensation means to injured observers and their quality of life

*Observer*

John Varner, Former North Pacific observer, Ellensburg, WA (by conference call)

Eric Sandberg, *Former Hawaii-based pelagic longline observer*, Computer Specialist, NMFS Pacific Islands Area Office, Honolulu, HI

*Union Rep*

Howard Holten, President, Alaska Fisheries Division of United Industrial Workers’ Union, Anchorage, AK

*Non-Governmental Organization*

Kim Dietrich, Association for Professional Observers, Seattle, WA

## AGENDA

- |           |  |
|-----------|--|
| 4:00-4:45 | Guided discussion among panel members and open for general Q&A session |
| 4:45-5:15 | Wrap-up  |

### **June 14, 2001      Thursday**

- |           |                                   |
|-----------|-----------------------------------|
| 8:30-9:00 | Introduction and review of agenda |
| 9:00-9:45 | Panel Discussion #8:              |

#### Determining the feasibility of extending professional liability coverage to uninsured vessels that carry observers

##### *Federal*

Lynne Phipps, Contracting Officer, NOAA Eastern Administrative Support Center, Norfolk, VA

Mike Larsen, Administrative Officer, International Pacific Halibut Commission, Seattle, WA

##### *Insurance Industry*

Vince Gullette, Assistant Vice President of West Coast Operations, American Equity Underwriters, Inc., Seattle, WA

*Background materials: MCR Findings/Conclusions/Recommendations (excerpt from the NER NMFS Contracted Observer Program, pg.146), MCR Findings/Conclusions (excerpt from the SWR NMFS Contracted Observer Program, pg. 224)*

- |             |  |
|-------------|--|
| 9:45-10:30  | Guided discussion among panel members and open for general Q&A session |
| 10:30-10:45 | Break  |
| 10:45-12:00 | Workshop wrap-up and summary   |

*Version Dated: June 8, 2001*